SECOND ANNUAL REPORT

of the

CONFLICT OF INTEREST COMMISSIONER

January 31, 2002

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Prince Edward Island

Legislative Assembly

Office of the Conflict of Interest Commissioner
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January 31, 2002

Hon. Mildred A. Dover, Speaker
Legislative Assembly
P.O. Box 2000
Charlottetown, PEI
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Dear Madam Speaker:

It is my honour and duty to submit to you the annual report of the Office of the Conflict of Interest Commissioner for the period January 1, 2001 to December 31, 2001.

This report is submitted pursuant to section 3(1) of the *Conflict of Interest Act*, R.S.P.E.I. 1988, Cap. C-17.1.

Yours truly,

A. Neil Robinson
Commissioner

ANNUAL REPORT
2001

This is the second annual report to the Legislative Assembly, made pursuant to the *Conflict of Interest Act*, enacted in 1999. As such, it covers the calendar year 2001.

The goal of the Act is to set out the acceptable standards of conduct for elected Members of the Legislative Assembly in order to ensure that the private interests of Members do not come into conflict with the performance of the Member's public duties. The *Conflict of Interest Act* therefore provides a set of guidelines to govern the Members of the Legislative Assembly to assist the Members carrying out their public duties with impartiality and integrity.

Filing of Disclosure Statements:

Under section 25 of the Act, every Member must file a private disclosure statement within 60 days of being elected and annually thereafter. The private disclosure statement enables each MLA to disclose to the Commissioner a detailed financial statement of their private interests. Based on those confidential disclosures a public disclosure document is prepared by the Commissioner. Members' public disclosure statements are available for examination by the public and copies are available through the Clerk of the Legislative Assembly. I wish to thank all Members who filed their disclosure forms within the original or extended deadline.

Based on my review of the private disclosure statements provided by the Members and the personal interviews conducted I am satisfied that all Members of the Legislative Assembly of Prince Edward Island are in compliance with the *Conflict of Interest Act*.

Contract Authorizations:

A Member of the Legislative Assembly may ask for authorization to accept a contract that is otherwise prohibited but no such authorization was requested.

Advice:

During the past year many Members of the Legislative Assembly requested opinions or advice concerning matters respecting their obligations under the Act. In my view it is one of the Commissioner's most important duties to assist Members to understand their obligations under the *Conflict of Interest Act* and to help prevent conflicts of interest. It continues to be my belief that the most important function of the Commissioner is to provide advice before a Member acts. Therefore, in this respect I am again pleased to report that all Members have expressed a willingness to seek such advice and have demonstrated that willingness in requesting advice during many informal discussions.

While I do encourage Members to discuss matters with me on an informal basis those

discussions do not constitute nor are they meant to replace advice and recommendations under section 7 of the Act. If a Member does receive written advice, provided that the Member has communicated all material facts upon which that advice is given and the Member has complied with the advice and recommendations of the Commissioner, then the Member has a bar against an allegation of conflict of interest.

Complaints:

The *Conflict of Interest Act* provides that a Member of the Legislative Assembly may request that the Commissioner give an opinion as to whether another Member has contravened the Act or the parliamentary conventions of Prince Edward Island. To request such an opinion the Member must have reasonable and probable grounds supported by affidavit evidence. In addition the Legislative Assembly may by Resolution request that the Commissioner render an opinion as to whether a Member has contravened the Act or parliamentary convention. Also, the Executive Council may ask the Commissioner for an opinion about whether a Member of the Executive Council has violated the Act or parliamentary convention of Prince Edward Island. I am pleased to report that during the year 2001 no such complaint or request for investigation occurred.

During the past year I have once again been impressed with the cooperation displayed by our elected representatives. Without exception each Member has followed the advice or instructions provided by this Office.

In closing I wish to express my gratitude to both the Clerk of the Legislative Assembly, Mr. Charles MacKay, and the Ms. Cheryl Stead, Administrative Officer, in providing much needed administrative support and advice.